

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No 09-197
)	
Connect America Fund)	WC Docket No. 10-90

**PETITION FOR CLARIFICATION, OR IN THE ALTERNATIVE,
PETITION FOR PARTIAL WAIVER OF SPRINT CORPORATION**

Sprint Corporation (“Sprint”), on behalf of its Assurance Wireless affiliate, hereby respectfully requests clarification, and if necessary, a partial waiver of the guidance that Lifeline service providers use the universal application, recertification and household worksheet forms (Forms 5629, 5630 and 5631) designed by the Wireline Competition Bureau in their unaltered form for non-paper formats. Sprint requests that as part of its electronic processes, Assurance Wireless be allowed to present certain information, and to obtain certain end user responses, in an order or format slightly different than that reflected on the paper universal forms. None of these differences is substantive, and all information needed to determine an end user’s initial or on-going eligibility will be requested using the language mandated by the paper universal forms. Sprint requests an additional month (until August 1, 2018) to implement three changes to the process flow, electronic initial, and electronic signature fields of its electronic application forms, and an additional 4 months (until October 31, 2018) to adjust four

information collection fields on its electronic application and recertification forms to make them consistent with the paper universal forms.

I. BACKGROUND AND INTRODUCTION.

In the *2016 Lifeline Reform Order*, the Commission, among other things, delegated to the Wireline Competition Bureau the authority to “create uniform, standardized Lifeline forms...for all subscribers receiving a federal Lifeline benefit, if it believes that doing so will aid program administration.”¹ The Bureau accordingly developed uniform application, recertification, and household worksheet forms, and subsequently released a Public Notice mandating use of these universal forms beginning on July 1, 2018.² On May 30, 2018, USAC held a webinar to discuss the universal forms in which it advised that modification of the universal forms, even for electronic and IVR formats, was prohibited – parties were not to “re-format, re-order, condense or change the layout of the form in any way.”³ Insofar as Sprint is aware, this webinar was the first time that public guidance had been provided which mandated complete and literal reproduction, even for electronic and IVR transactions, of the form and format of the paper universal forms. This guidance is not codified in any Commission rule or necessary for compliance with the substantive information collection obligations of the rules.

¹ *Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund, Third Report and Order, Further Report and Order, and Order on Reconsideration*, 31 FCC Rcd 3962, para. 429 (footnote omitted) (2016).

² *Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program*, WC Docket No. 11-42, Public Notice released Feb. 20, 2018 (DA 18-161) (“February Public Notice”).

³ USAC May 30 Webinar, slide 33.

Sprint supports the Commission’s efforts to improve program administration, and recognizes that standardized application, recertification, and household worksheet forms may help ensure that service providers meet the requirements of Section 54.410 of the Rules.⁴ The Commission’s intent in adopting standardized forms was to ensure that all requisite information was collected, and to increase “understanding and compliance by both subscribers and providers.”⁵ However, recognizing no differences between paper and non-paper formats is not necessary, and, in this case, risks confusing consumers and impairing the Lifeline program. Where, as here, ensuring complete, literal compliance between electronic and paper forms is not necessary to ensure compliance with substantive requirements, and causes the end user application or recertification process to be unwieldy or confusing, the Commission should allow service providers reasonable discretion in their implementation of the universal forms. This discretion should only be available where any differences are non-substantive and only cosmetic, and in fact may be necessary to avoid customer confusion. Thus, Sprint respectfully requests that the Commission clarify that electronic formats need not be literally identical to physical paper formats in these narrow circumstances

Alternatively, if the Commission determines that USAC’s literal application of standardized paper forms is appropriate, including the order in which the forms are to be completed, the Commission should grant the partial, short-term waivers requested by Sprint below. The application and recertification forms generated at the end of the electronic processes will be virtually identical to and substantively fully compliant with

⁴ The Commission observed that different service providers use different forms, some of which apparently were not compliant with the rules. See *2016 Lifeline Reform Order*, para. 430.

⁵ *Id.*, para. 432.

the paper universal forms developed by the Bureau (the only differences being those approved by USAC or discussed herein). Thus, it is arguable that no waiver request is even necessary. However, because of the “no change” guidance provided by USAC in the May 30 webinar, and based on subsequent discussions with USAC, Sprint, out of an abundance of caution, requests a waiver of this guidance for a few non-substantive issues related to Assurance Wireless’ use of on-line and IVR Lifeline application, recertification, and household worksheet forms.

Grant of the requested waiver of these minor data entry issues will enable Assurance Wireless to continue to offer Lifeline service to low-income Americans in an orderly, user-friendly manner. The goals underlying the Bureau’s adoption of universal paper forms will be met in full, and no party is harmed by grant of the requested waiver.

II. REQUEST FOR CLARIFICATION OR WAIVER.

There is no rule that mandates that the electronic and IVR versions of the universal form be identical to the paper forms; to the contrary, USAC has advised that certain changes are allowed.⁶ Because none of the issues listed below raises substantive compliance concerns, Sprint believes that Commission clarification of the “no change” guidance is appropriate here. However, if necessary and out of an abundance of caution, Sprint requests a waiver of Section 54.410 of the Rules (47 C.F.R. § 54.410) to the extent

⁶ In discussions held with USAC following the May 30, 2018, Webinar, USAC advised Sprint that the following revisions (among others) to the paper universal form are allowable when using an electronic format: the on-line forms need not state that the fields must be filled out in capitalized letter and black ink; the agent form need not be included in electronic or IVR processes for now; and the household income chart (which shows maximum income levels for purposes of qualifying for Lifeline) need not include the columns for Alaska and Hawaii if the service provider does not offer Lifeline service in those states.

that such rule requires the electronic versions of the Lifeline application, recertification and household worksheet forms to be literally identical to the paper universal forms.

First, Sprint requests a one-month (until August 1, 2018) waiver of the “no change” guidance as it relates to the following aspects of the electronic application form:

- Process flow: Collection of end user address first, followed by collection of personal information (name, last 4 digits of SSN, date of birth, etc.).⁷ Assurance Wireless’ electronic application process reflects the fact that it does not provide Lifeline service in every area of every state. To make the process easy and efficient for Lifeline applicants, the first step to the application process is to obtain zip code and address information to ensure that the end user lives in a geographic area in which Assurance Wireless is authorized to provide service. Requiring this process flow to mimic the paper format would disrupt this process and create unnecessary confusion for the consumer.
- End user attestations and e-signatures: Flexibility in obtaining end user affirmative responses to requisite attestations and on the electronic signature field, including use of check boxes, yes/no (or slider on/off) boxes, or alphabetic characters. Allowing end users to provide affirmative responses and their e-signature in any of these alternate formats, all of which are readily understood and likely to be familiar to the end user from a variety of other electronic transactions, is entirely consistent with the Commission’s goal of enhancing customer understanding and compliance, and with the E-Sign Act.⁸ The one-month waiver requested here by Sprint will ensure that literal compliance with the paper universal form in the electronic application process, to the extent required, is implemented properly.

Second, Sprint requests a waiver of the “no change” guidance, through October 31, 2018, to allow the following minor format changes and security protections in its on-line application and recertification processes:

⁷ The paper universal application form requires collection of end user personal information first, followed by end user address.

⁸ According to the Electronic Signatures in Global and National Commerce Act (“E-Sign Act”), an electronic signature (and thus, presumably, electronic initials as well) can take the form of “an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record...” Section 54.419 of the FCC’s Lifeline rules explicitly allows the use of such an electronic signature to “...the same legal effect as a written signature.”

- The headers on the paper application, recertification and household worksheet forms, which show the logos of the FCC and USAC, will appear on the completed PDF form at the end of the process rather than at the top of each section (*i.e.*, the page on a paper form) displayed on the screen.
- End users will be asked to select or, for existing customers, to provide an account PIN and secret password. End users also will be asked to confirm the last 4 digits of their social security number to protect against typographical errors;⁹ their language preference; and certain partner opt-in/opt-out attestations.
- Any state-specific information mandated by a PUC will be collected at the logical point in the on-line process flow, rather than at the end of the process on a separate screen “page” or section.
- On the “Qualify for Lifeline” page of the application form, the Tribal-Specific Programs will include only those programs in which Assurance Wireless actually participates.¹⁰

Grant of these requests, to the extent that a waiver is even required, is warranted under Section 1.3 of the Commission’s Rules (47 C.F.R. § 1.3), which provides that the Commission will grant a waiver for “good cause shown.”¹¹ Good cause exists here: guidance that electronic forms would have to be identical to the paper universal versions was announced publicly only 3 weeks ago, at a USAC webinar. For example, it was not until the May 30, 2018 webinar that Sprint became aware of any regulatory expectation that service providers would be required to solicit information from Lifeline applicants and customers in a specific order, or that edits to eliminate verbiage irrelevant to electronic forms would be prohibited.¹²

⁹ The paper universal forms do not include a line for a PIN or password, or a step to double-check the last 4 digits of the SSN.

¹⁰ Assurance Wireless does not provide service in every Tribal Land, and to list all Tribal programs across the country (as reflected on the paper universal form) would be confusing and could generate errors if an end user attempts to demonstrate eligibility by citing a Tribal program in which Assurance Wireless is not authorized to participate.

¹¹ *See also WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

¹² As noted in footnote 6 above, USAC partially revised this guidance in an off-line discussion with Sprint.

It is not possible for Assurance Wireless to revamp its electronic application and recertification systems on such extremely short notice, to ensure electronic platforms are 100% identical with the paper universal forms by July 1. Assurance Wireless has worked hard (and such efforts are on-going) to come into substantive compliance by July 1, at significant financial cost and sometimes at the expense of a seamless end user experience. The resources that would be needed to address these further minor differences listed above are simply not available.

Grant of the requested waiver is consistent with the goals of the Bureau's universal form requirement since, as described above, the waiver addresses sequencing or other non-substantive inputs, the final output generated at the end of Assurance Wireless' electronic process is consistent with the paper universal forms, and any divergences will last for only a short period of time. In fact, grant of the waiver will avoid customer confusion and will help ensure that eligible end users obtain or retain Lifeline service.

For the reasons cited above, the Commission should immediately clarify the issues described above, or, if necessary, grant the requested waivers.

Respectfully submitted,

SPRINT CORPORATION

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June 26, 2018